

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JONATHAN GONZALEZ,

Plaintiff,

-against-

THE CITY OF NEW YORK,

Defendant.

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**JUDGMENT  
PURSUANT TO RULE 68**

22-cv-9119 (VEC)

**WHEREAS**, Plaintiff Jonathan Gonzalez (“Plaintiff”) commenced this action by filing a complaint on October 24, 2022 alleging that Defendant City of New York violated Plaintiff’s rights under the federal constitution and state law; and

**WHEREAS**, on March 17, 2023, pursuant to Rule 68 of the Federal Rules of Civil Procedure, Defendant, and any defendant who is currently or subsequently named and hereafter represented by the Office of the Corporation Counsel in this action, offered to allow Plaintiff to take judgment against the City of New York for Plaintiff’s federal claims; and

**WHEREAS**, on March 28, 2023, Plaintiff accepted Defendant’s Rule 68 Offer of Judgment;

**NOW, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

1. Pursuant to Rule 68 of the Federal Rules of Civil Procedure, Plaintiff will take judgment against Defendant City of New York, in satisfaction of all claims that were or could have been asserted in this action, for the total sum of Ten Thousand and One (\$10,001.00) Dollars, plus reasonable attorneys’ fees, costs and expenses.

2. This judgment shall be in full satisfaction of all federal and state law claims or rights that Plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of Defendant City of New York or any official, employee, or agent,

either past or present, of the City of New York, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

3. This judgment, pursuant to Rule 68 of the Federal Rules of Civil Procedure, shall not to be construed as an admission of liability by Defendant or any official, employee, or agent of the City of New York, or any agency thereof; nor is it an admission that Plaintiff has suffered any damages.

4. In accepting the Defendant's offer of judgment, Plaintiff releases and discharges Defendant City of New York; its successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York, or any agency thereof, from any and all claims that were or could have been alleged by Plaintiff arising out of the facts and circumstances that are the subject of this action.

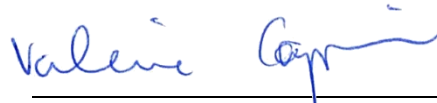
5. By accepting the offer of judgment, Plaintiff also waives all rights to any claim for interest on the amount of the judgment.

6. By accepting the offer of judgement, Plaintiff agrees that the aforesaid payment of Ten Thousand and One (\$10,001.00) Dollars within ninety (90) days of the date of acceptance of the offer shall be a reasonable time for such payment, unless Plaintiff received medical treatment in connection with the underlying claims in this case for which Medicare has provided, or will provide, payment in full or in part. If Plaintiff is a Medicare recipient who received medical treatment in connection with the claims in this case, the ninety (90) day period for payment shall start to run from the date Plaintiff submits to counsel for defendant City of New York a final demand letter from Medicare.

7. By acceptance of this Rule 68 offer of judgment, Plaintiff agrees to resolve any claim that Medicare may have for reimbursement of conditional payments it has

made as secondary payer, and a Medicare Set-Aside Trust shall be created, if required by 42 U.S.C. § 1395y(b) and 42 C.F.R. §§ 411.22 through 411.26. Plaintiff further agrees to hold harmless Defendant City of New York and all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, regarding any past and/or future Medicare payments, presently known or unknown, made in connection with this matter.

Dated: New York, New York  
April 3, 2023



Date: 4/5/2023

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VALERIE E. CAPRONI  
United States District Judge

The Clerk of Court is respectfully directed to terminate all open motions and deadlines and to CLOSE this case.